

REMARKS

This amendment is being filed in response to the non-final Office Action dated December 18, 2006. By this Response, claims 41, 46, 50, 63, 64, 69 and 70 are amended, and claims 72-78 are cancelled without prejudice. No new matter is added. Claims 41-52, 63, 64, 69 and 70 are now active for examination.

The Office Action

The Office Action rejected claims 41-52, 63, 64, 69, 70 and 72-78 under 35 U.S.C. §101 alleging that the claims are directed to non-statutory subject matter. Claims 41-52, 63-64 and 69-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Powers et al, (U.S. Patent No. 6,513,027). Claims 43, 48 and 52 stood rejected under 35 U.S.C. § 103(a) as being unpatentable over Powers in view of Johnson et al. (U.S. Patent No. 6,418,434). The Examiner indicated that claims 72-78 are allowable if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 41-52, 63, 64, 69 and 70 Are Patentable Over Documents of Record

By this Response, independent claims 41, 46, 50, 63, 64 69 and 70 are amended to incorporate subject matter from allowable claims 72-78, respectively. It is respectfully submitted that independent claims 41, 46, 50, 63, 64 69 and 70 and their respective dependent claims are patentable over the documents of record. Favorable reconsideration of claims 41-52, 63, 64, 69 and 70 is respectfully requested.

The Rejection under 35 U.S.C. § 101 Is Overcome

Claims 41-52, 63-64 and 69 -70 were rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Specifically, the Office Action contended that the claims are not producing useful, concrete and tangible results.

By this response, claims 41, 46, 50, 63, 64 69 and 70 are further amended to clarify that the term “data point” corresponds to “at least one of a word, a phrase, a sentence, a color, a typography, a punctuation, a picture, and a character string,” which are physical world examples. And that the term “dataset” is defined to be including one or more data points. As the data points are tied to the physical word, the new data set and sample datasets that include at least one data point also are tied to the physical world. Therefore, the claimed concept, for instance, allows a computer to associate a new data set with a specific category, for efficient data retrieval.

Additionally, processing data related to data points, datasets and queries, and generating representative semantic vectors thereof, to identify a category that a new dataset belongs produces a “useful, non-abstract result” **analogous** to the method for providing a data field indicating information of long distance providers (comparable to categories) that provide service to each call, which the Federal Circuit found to be a “useful, non-abstract result that facilitates *differential* billing of long-distance calls,” which “fall[s] comfortably within the broad scope of patentable subject matter under §101.” *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999).

CONCLUSION

Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the

Serial No.: 10/823,617

Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Wei-Chen Chen", written over the printed name.

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